

Chapter 21. Student Services

Subchapter B. DETERMINING RESIDENCE STATUS

Section

- 21.21. Authority, Scope, and Purpose.
- 21.22. Definitions.
- 21.23. Basic Rules.
- 21.24. Residency during the Transition from Dependent to Independent Students.
- 21.25. Procedures.
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21.21. - 21.25. No change

21.26. Exceptions.

- (a) No change
- (b) Waivers that Allow Nonresidents to Register While Paying the Resident Tuition Rate.
 - (1) – (10) No change

(11) Military and Their Families. Members of the U.S. Armed Forces, Army National Guard, Air National Guard, and Commissioned Officers of the Public Health Service, and their spouses or dependent children, who become eligible for the following waivers, will remain eligible as long as they remain continuously enrolled in the same degree or certificate program. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled.

(A) Assigned to Duty in Texas. Nonresident members of the U.S. Armed Forces, members of Texas units of the Army or Air National Guard, or Commissioned Officers of the Public Health Service who are assigned to duty in Texas, and their spouses, or dependent children, are entitled to pay the resident tuition rate [for themselves, their spouses, and dependant children]. To qualify, the student must submit during his or her first semester of enrollment in which he or she will be using the waiver [at least once a year] a statement from an appropriately authorized officer in the service, certifying that he or she (or a parent or court-appointed legal guardian) will be assigned to duty in Texas at the time of enrollment and is not a member of the National Guard or Reserves who will be in Texas only to attend training with Texas units. Such students are entitled to pay the resident rate as long as they reside continuously in Texas or remain continuously enrolled in the same degree or certificate program.

(B) After Assignment in Texas. A [The] spouse [spouses] and/or dependent child [children] of a nonresident member[s] of the U.S. Armed Forces, or of a [members of] Texas unit [units] of the Army or Air National Guard, or of a Commissioned Officer[s] of the Public Health Service who has been reassigned elsewhere after having been assigned to duty in Texas is [are] entitled to pay the resident tuition rate as long as the spouse or child resides continuously in Texas.

(C) Out-of-State Military. ~~A [The] spouse [spouses]~~ and/or dependent ~~child [children]~~ of ~~a~~ member[s] of the U.S. Armed Forces, ~~or of a [members of]~~ Texas ~~unit [units]~~ of the Army or Air National Guard, or ~~of a~~ Commissioned Officer[s] of the Public Health Service ~~who is~~ stationed outside of Texas are entitled to immediately start paying the resident tuition rate in Texas if the spouse and/or child moves to this state and files a statement of intent to establish residence in Texas with the public institution of higher education ~~that he or she [they] attends~~.

(D) Survivors. ~~A [The] spouse [spouses]~~ and/or dependent ~~child~~ of ~~a~~ member[s] of the U.S. Armed Forces, ~~or of a [members of]~~ Texas ~~unit [units]~~ of the Army or Air National Guard, or ~~of a~~ Commissioned Officer[s] of the Public Health Service who dies while in service are entitled to pay the resident tuition rate if the spouse and/or child moves to Texas within 60 days of the date of death. To qualify, ~~a [the] student [students]~~ shall submit satisfactory evidence to the institution, establishing the date of death and ~~his or her~~ current residence in Texas.

(E) Spouse and Dependents who Previously Lived in Texas. ~~A [The] spouse [spouses]~~ and/or dependent ~~child~~ of ~~a~~ member[s] of the U.S. Armed Forces, ~~or of a [members of]~~ Texas ~~unit [units]~~ of the Army or Air National Guard, or ~~of a~~ Commissioned Officer[s] of the Public Health Service who previously resided in Texas for at least six months may establish residency for tuition purposes if the member or commissioned officer (at least 12 months prior to the family member's enrollment):

(i) filed proper documentation with the military or Public Health Service to change his/her permanent residence to Texas and designates Texas as his/her place of legal residence for income tax purposes;

(ii) registered to vote in Texas, and

(iii) shows one of the following three things has been in effect for the full 12 months prior to the first day of the relevant term or semester:

(I) ownership of real estate in Texas with no delinquent property taxes;

(II) registration of an automobile in Texas, or

(III) execution of a currently-valid will that indicates he/she is a resident of Texas that has been deposited with a county clerk in Texas.

(F) Members Who Change their Residency to Texas. A member of the U. S. Armed Forces whose state of record is not Texas may change his/her residency to Texas ~~and the member, and/or his or her spouse or child may pay resident tuition~~ if he/she ~~[does the following things at least 12 months prior to the member's enrollment]:~~

(i) has been [be] assigned to duty in Texas for at least 12 consecutive months, during which the member files proper documentation with the military to change his/her permanent residence to Texas, and

(ii) meets four of the eight conditions listed below for the 12 months prior to enrollment:

(I) has purchased [purchase] a residence in Texas and claims [claim] it as a homestead;

(II) has registered [register] to vote in Texas;

(III) has registered [register] an automobile in Texas;

(IV) has maintained [maintain] a Texas driver's license;

(V) has maintained [maintain] checking, savings or safety deposit box in Texas;

(VI) has had [have] a will or other legal documents on file in Texas that indicates [indicate] residence in Texas;

(VII) has established [have] membership in professional organizations or other state organizations; and/or

(VIII) has established [establish] a business in Texas.

(G) Honorably Discharged Veterans. A former member of the U.S. Armed Forces or Commissioned Officer of the Public Health Service and his/her spouse and/or dependent child [children] are entitled to pay the resident tuition rate for any term beginning prior to the first anniversary of separation from the military or health service if the former member has

(i) filed proper documentation with the military or Public Health Service to change his/her permanent residence to Texas and designated Texas as his/her place of legal residence for income tax purposes;

(ii) registered to vote in Texas, and

(iii) shows one of the following three things has been in effect for the full 12 months prior to the first day of the relevant term or semester:

(I) ownership of real estate in Texas with no delinquent property taxes;

(II) registration of an automobile in Texas, or

(III) execution of a currently-valid will that indicates he/she is a resident of Texas that has been deposited with a county clerk in Texas.

~~[(H)] Previous Recipients of Military Waivers. A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Texas residents under another provision of this section while enrolled in a degree or certificate program is entitled to pay tuition and fees at the rate [pay tuition and fees at the rate] provided for Texas residents in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program. The person's eligibility to pay tuition and fees at the rate provided for Texas residents under this subsection does not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States.]~~

(H) [(4)] ROTC Students. A nonresident student who is a member of an ROTC unit must pay nonresident tuition until such time he or she signs a contract that cannot be terminated by the student and that obligates the student to serve a period of active duty in the U.S. Armed Forces. Once the student has signed such a contract, he or she has the same rights for qualifying to pay the resident rate as has a member of the U.S. Armed Forces.

(I) [(J)] NATO Forces. Foreign individuals stationed in Texas in keeping with the agreement between the parties to the North Atlantic Treaty regarding status of forces, their spouses and dependent children, are entitled to pay the same tuition rate as residents of Texas.

(J) [(K)] Radiological Science Students at Midwestern State University. Members of the U.S. Armed Forces stationed outside the State of Texas who are enrolled in a bachelor of science or master of science degree program in radiological sciences at Midwestern State University by instructional telecommunication will be entitled to pay tuition and other fees or charges provided for Texas residents if they began the program of study while stationed at a military base in Texas.